

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|----------------------------|---|----------------------|
| JEANNE T. JANCE, |) | |
| |) | CASE NO. C22-412 RSM |
| Plaintiffs, |) | |
| v. |) | |
| |) | MINUTE ORDER |
| FAY SERVICING LLC, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |

The following Minute Order is made by direction of the Court, the Honorable Ricardo S. Martinez, United States District Judge:

This matter comes before the Court *sua sponte*. On April 1, 2022, Defendant Fay Servicing, LLC removed this action from King County Superior Court. Dkt. #1. In the State Court action, Plaintiff Jeanne T. Jance was represented by attorney Robert W. Current who is not admitted to practice in the U.S. District Court, Western District of Washington. *See* Dkt. #1-1. On April 4, 2022, the Clerk of Court issued a Notice of Filing Deficiency instructing Plaintiff's counsel to submit a Petition for Admission and then promptly file a Notice of Appearance pursuant to LCR 83.2. Dkt. #7. As of today, Plaintiff's counsel has not taken any actions in response to the Court's Notice and no new attorney has entered an appearance on behalf of Plaintiff.

1 Defendants Fay Servicing, LLC and U.S. Bank Trust National Association, not in its
2 individual capacity but solely as Owner Trustee for VRMTG Asset Trust, moved for summary
3 judgment on April 23, 2022. Dkt. #10. Plaintiff has failed to properly file a response to this
4 motion through counsel. Plaintiff is reminded that:

5 “[w]hen a party is represented by an attorney of record in a case, *the party cannot appear*
6 *or act on his or her own behalf in that case, or take any step therein*, until after the party
7 requests by motion to proceed on his or her own behalf, certifies in the motion that he or
8 she has provided copies of the motion to his or her current counsel and to the opposing
9 party, and is granted an order of substitution by the court terminating the party’s attorney
10 as counsel and substituting the party in to proceed pro se; provided, that the court may in
its discretion hear a party in open court, notwithstanding the fact that he or she is
represented by an attorney.”

11 LCR 83.2(b)(5).

12 If Plaintiff intends to pursue this case, by October 19, 2022, either (1) Plaintiff’s counsel
13 Mr. Robert W. Current must submit a Petition for Admission; or (1) Plaintiff must request by
14 motion to proceed on her own behalf and certify in the motion that she has provided a copy of
15 the motion to Mr. Current and to the opposing parties. Plaintiff’s response to Defendants’ motion
16 for summary judgment must be filed by December 2. **Failure to comply with either of these**
17 **conditions may result in dismissal of this action.**

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19 DATED this 28th day of September, 2022.

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22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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